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09/686,516	10/11/2000	Nicholas D. Arnett	OPI-101	5209

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TAFT, STETTINIUS & HOLLISTER LLP
SUITE 1800
425 WALNUT STREET
CINCINNATI, OH 45202-3957

EXAMINER	
MEINECKE DIAZ, SUSANNA M	
ART UNIT	**PAPER NUMBER**
3623	

DATE MAILED: 05/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/686,516	ARNETT ET AL.	
	Examiner	Art Unit	
	Susanna M. Diaz	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 February 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2,4,5,13,14,40,41,49,50 and 75-82* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2,4,5,13,14,40,41,49,50 and 75-82* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This final Office action is responsive to Applicant's amendment filed February 17, 2006.

Claims 2, 4, 13, 40, 49, 76, and 78 have been amended.

Claim 82 has been added.

Claims 2, 4, 5, 13, 14, 40, 41, 49, 50, and 75-82 are presented for examination.

Response to Amendment

2. The previously pending rejections under 35 U.S.C. § 112, 2nd paragraph are withdrawn in response to Applicant's claim amendments.

Response to Arguments

3. Applicant's arguments filed February 17, 2006 have been fully considered but they are not persuasive.

Applicant argues that the eWatch reference is not enabling (pages 8-9 of Applicant's response). The Examiner respectfully disagrees. When disclosure of software is required, it is generally sufficient if the functions of the software are disclosed, it usually being the case that creation of the specific source code is within the skill of the art. See *Fonar Corp. v. General Electric Co.*, 41 USPQ2d 1801 (Fed. Cir. Feb. 25, 1997); *In re Hayes, 25 USPQ2d 1241.* eWatch is proprietary software. The cited reference clearly lays out the capabilities of this software, citing various filtering methods among other techniques to perform these capabilities. Furthermore, these

disclosed capabilities are commensurate in scope with the claimed functionality; therefore, claim 2 is sufficiently addressed by the prior art. Applicant does not reference any specific functionality disclosed by eWatch (and corresponding to specific claim language) that Applicant feels one of ordinary skill in the art would not have been able to make and use without undue experimentation; therefore, Applicant's argument is not persuasive. Additionally, while Applicant submits that eWatch itself does not disclose any specific functionality, Applicant also cites an excerpt from eWatch that states, "...eWatch's proprietary software does the first round of filtering, churning out reports based on keywords..." (Page 9 of Applicant's response) The Examiner contends that filtering based on keywords is an example of functionality and artisans of ordinary skill in the art have long known of various techniques to accomplish filtering based on keywords.

Applicant's remaining arguments address features newly incorporated into the claims, which will be addressed in the revised art rejection below.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2 and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over eWatch Inc.'s eWatch service ("eWatch"), as disclosed in eWatch's archived web site

retrieved from [URL: http://web.archive.org/web/19980522190526/www.ewatch.com] in view of eWatch Inc.'s CyberSleuth service ("CyberSleuth"), as disclosed in the web site [URL: http://www.interesting-people.org/archives/interesting-people/200006/msg00090.html], dated June 29, 2000, *in view of* Rosenschein et al. (U.S. Patent No. 6,519,631).

(The various pages of the eWatch web site were archived by web.archive.org on May 22, 1998 and they include press releases dating back to 1995.)

eWatch discloses a method for collecting and analyzing electronic discussion messages, wherein the method comprises the computer-implemented steps of:

[Claim 2] (a) collecting a plurality of message information from a plurality of pre-determined electronic discussion forums (Pages 37, 40);

(b) storing the plurality of message information in a central data store (Pages 39, 40);

(c) categorizing the message information according to a plurality of pre-determined rules (Pages 9, 23, 38);

(d) assigning an opinion rating to the plurality of message information based on a plurality of pre-determined linguistic patterns and associative rules (Page 23 -- eWatch helps to identify both positive and negative opinions toward an entity. For example, "eWatch's proprietary search software does the first round of filtering, churning out reports based on keywords -- perhaps a client's name combined with 'boycott,' 'angry,' or even cruder denigrating terms." Such a search would clearly identify negative

opinion ratings toward the client based on a variety of linguistic patterns, i.e., the "client's name combined with 'boycott,' 'angry,' or even cruder denigrating terms." Page 28 of eWatch states that good comments may be tracked as well as the negative ones);

(e) collecting a plurality of objective data from a plurality of objective data sources (Page 38 -- The identification of each message meeting the search criteria includes objective data such as date, time, and title of thread. The objective data sources would be the actual sites on which the messages were posted as opposed to the author of the message);

(f) analyzing the message information and the objective data to identify trends in the pattern of behavior in pre-determined markets and the roles of individual participants in electronic discussion forums (Pages 12, 23, 25, 42-43); and

(g) generating reports for end-users based on the results of the analyses performed by the present invention (Pages 5-6, 9, 37);

[Claim 79] wherein the roles of individual participants are classified by correlating their postings with objective data relating to events external to the electronic discussion forum (Page 23 -- "eWatch is being called more often by corporate investor relations departments who want to know if and how Internet discussions are affecting their stock prices).

Regarding claim 2, the Examiner asserts that the assumption that the word "boycott" or "angry" in combination with a particular company name implies a negative opinion toward that company (as taught by eWatch) is an example of linguistic

association among words. The fact that the eWatch software is programmed to make such an assumption is indicative of the existence of some set of rules to guide this sort of decision-making. All software is based on a set or various sets of programmed rules. Furthermore, Merriam Webster's Collegiate® Dictionary (10th ed.) defines a "pattern" as simply as being "a form or model proposed for imitation" and "a reliable sample of traits, acts, tendencies, or other observable characteristics of a person, group or institution." Again, the assumption that the word "boycott" or "angry" in combination with a particular company name implies a negative opinion toward that company (as taught by eWatch) is an example of linguistic association among words, in which patterns (e.g., models, traits, or tendencies) are identified. Therefore, the Examiner submits that eWatch addresses the recited "linguistic patterns and associative rules." What eWatch does not expressly teach is which specific type of linguistic analysis is used. However, Rosenschein makes up for this deficiency in the teaching of a web-based information retrieval system (similar to eWatch). Rosenschein utilizes sentence-level linguistic analysis in regard to specific keywords because such an analysis serves "to enable a grammatical and/or linguistic analysis of the designated work, and, preferably to sharply define the context of the designated word. For example, 'stock' next to 'broker' is highly likely to have a different meaning from 'stock' next to 'barrel.'" (Rosenschein: col. 3, lines 8-17) In other words, using a sentence-level analysis helps to more accurately identify keywords in a desired context, especially when the context of a keyword can vary widely. Both eWatch and Rosenschein operate largely on the ability to identify content of interest based on context specific keywords; therefore, the Examiner submits

that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify eWatch's linguistic analysis to incorporate a sentence-level analysis in order to assist in more accurately identifying keywords in a desired context, especially when the context of a keyword can vary widely (as suggested by Rosenschein).

6. Claim 82 is rejected under 35 U.S.C. 103(a) as being unpatentable over eWatch Inc.'s eWatch service ("eWatch"), as disclosed in eWatch's archived web site retrieved from [URL: http://web.archive.org/web/19980522190526/www.ewatch.com] in view of eWatch Inc.'s CyberSleuth service ("CyberSleuth"), as disclosed in the web site [URL: http://www.interesting-people.org/archives/interesting-people/200006/msg00090.html], dated June 29, 2000, *in view of* Rosenschein et al. (U.S. Patent No. 6,519,631), as applied to claim 2 above, and *further in view of* Trigaux ("Cyberwar Erupts Over Free Speech Across Florida, Nation").

(The various pages of the eWatch web site were archived by web.archive.org on May 22, 1998 and they include press releases dating back to 1995.)

In reference to claim 82, citing Merriam Webster's Collegiate® Dictionary (10th ed.), "trend" is a very broad term, meaning "a prevailing tendency or inclination," "a line of development," or "a general movement." eWatch's clients are monitoring electronic discussion forums for both positive and negative "buzz." If negative buzz is initially detected in reference to a particular company, it is a potential indicator of a trend of

negative attitude toward the company. This is why companies attempt to nip negative buzz in the bud by performing proactive rumor control. Page 43 of eWatch states, "'So you start to see from a marketing standpoint and customer service standpoint how the Internet really does marry those two functions, because you've got folks who are unhappy, and if they're unhappy, they're going to deter other people from buying your product,' Mr. Alexander said. 'On the flip side, you're got people who are evangelizing products. It works both ways.'" By detecting positive and negative buzz about a company, the company is either alerted to a potentially positive trend (e.g., recommending the company to others) or to a potentially negative trend (e.g., complaining about the company to others). Therefore, eWatch addresses the claimed analysis of message information and objective data (such as stock prices, as seen on page 23 of eWatch) to identify trends in the pattern of behavior in pre-determined markets as well as the roles of individual participants in electronic discussion forums. However, eWatch does not expressly teach that a time series is analyzed to identify roles of individual participants *over time*. Trigaux, on the other, discloses how user postings are tracked over time. More specifically, Trigaux discloses examples of lawsuits filed against online users posting multiple comments that are critical of a business and/or employer (¶¶ 19, 25, 33). The fact that multiple comments have been gathered in relation to a given pseudonym (or user) implies that the comments are collected over time or that each comment was posted at a distinct time since the user did not likely write various comments and then somehow program them to be posted at the same instant in time. The claimed limitation "over time" is interpreted as referring to

a trend or pattern gleaned in relation to a particular user, be it a trend or pattern observed from messages posted a minute apart or months apart. Both eWatch and Trigaux disclose scenarios in which businesses are trying to counteract negative publicity (including legally defamatory statements) generated by electronic message posters; therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify eWatch to analyze time series to identify roles of individual participants over time in order to assist eWatch in detecting which users are historically posting defamatory messages about eWatch's clients and then providing these clients with more evidence as ammunition for winning any relevant cases taken to court against these users.

7. Claims 4, 40, 80, and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over eWatch Inc.'s eWatch service ("eWatch"), as disclosed in eWatch's archived web site retrieved from [URL: http://web.archive.org/web/19980522190526/www.ewatch.com] *in view of* eWatch Inc.'s CyberSleuth service ("CyberSleuth"), as disclosed in the web site [URL: http://www.interesting-people.org/archives/interesting-people/200006/msg00090.html], dated June 29, 2000, and *further in view of* Trigaux ("Cyberwar Erupts Over Free Speech Across Florida, Nation").

(The various pages of the eWatch web site were archived by web.archive.org on May 22, 1998 and they include press releases dating back to 1995.)

eWatch discloses a system for processing message traffic in a plurality of electronic discussion forums, comprising:

[Claim 4] a computer-implemented message collector for collecting messages from the plurality of electronic discussion forums (Pages 37, 40);

a computer-implemented message categorizer for processing the messages based on a series of topics (Pages 9, 23, 38);

a storage device containing a database storing configuration information for the plurality of electronic discussion forums (Pages 2, 37, 40 -- Messages may be downloaded to eWatch's server from various Internet Usenet groups, ListServs, and consumer online services, such as CompuServe, America Online, Prodigy, and Microsoft Network, thereby implying that eWatch's server can handle a plurality of message formats or communications protocols; In order to download information via the Internet, the information that is downloaded is associated with identifying information that instructs the network, including sending and receiving client computers, how to transmit the data (e.g., the type of protocols, including packet-switching, streaming video, audio, etc.) and what format the information is in (e.g., PDF, HTML, etc.). This protocol and format information must be associated with the downloaded data; therefore, such information is stored somewhere (i.e., in a database) in a manner that it is linked to the data when download of the data is requested); wherein

the message collector communicates with the database, thereby enabling the message collector to collect messages corresponding to a plurality of message formats or communications protocols (Pages 2, 37, 40 -- Messages may be downloaded to

eWatch's server from various Internet Usenet groups, ListServs, and consumer online services, such as CompuServe, America Online, Prodigy, and Microsoft Network, thereby implying that eWatch's server can handle a plurality of message formats or communications protocols);

[Claim 80] wherein the roles of individual participants are classified by correlating their postings with objective data relating to events external to the electronic discussion forum (Page 23 -- "eWatch is being called more often by corporate investor relations departments who want to know if and how Internet discussions are affecting their stock prices).

As per claim 4, the eWatch service does not expressly teach a data analyzer for tracking a plurality of pseudonyms and the roles of individual participants using the pseudonyms posting in the plurality of electronic discussion forums based on the processing of the messages; however, CyberSleuth is a related service offered by the same company, eWatch Inc. Similar to the eWatch service, the CyberSleuth service assists in addressing publicly disclosed negative opinions towards an entity. CyberSleuth, however, attempts "to identify the entity or entities behind the screen name(s) which have targeted your organization," which is especially important when the motives of such entities are fraudulent, deceptive, and/or criminal (¶ 6). CyberSleuth helps to mitigate such attacks by identifying the entity behind a pseudonym so that proper recourse can be taken, e.g., public rumor control or legal action. Since both eWatch and CyberSleuth function under the control of eWatch Inc. and both services

assist clients in identifying negative attacks in order to mitigate the effect of such attacks, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to actively integrate the CyberSleuth service with the capabilities of the eWatch service (e.g., as a complete package), thereby incorporating a data analyzer for tracking a plurality of pseudonyms and the roles of individual participants using the pseudonyms posting in the plurality of electronic discussion forums based on the processing of the messages, in order to conveniently provide clients with a more comprehensive service for identifying the sources of negative attacks and taking appropriate actions against those sources who may harbor more fraudulent, deceptive, and/or criminal intent.

In reference to claim 4, citing Merriam Webster's Collegiate® Dictionary (10th ed.), "trend" is a very broad term, meaning "a prevailing tendency or inclination," "a line of development," or "a general movement." eWatch's clients are monitoring electronic discussion forums for both positive and negative "buzz." If negative buzz is initially detected in reference to a particular company, it is a potential indicator of a trend of negative attitude toward the company. This is why companies attempt to nip negative buzz in the bud by performing proactive rumor control. Page 43 of eWatch states, "'So you start to see from a marketing standpoint and customer service standpoint how the Internet really does marry those two functions, because you've got folks who are unhappy, and if they're unhappy, they're going to deter other people from buying your product,' Mr. Alexander said. 'On the flip side, you're got people who are evangelizing products. It works both ways.'" By detecting positive and negative buzz about a

company, the company is either alerted to a potentially positive trend (e.g., recommending the company to others) or to a potentially negative trend (e.g., complaining about the company to others). Therefore, eWatch addresses the claimed analysis of message information and objective data (such as stock prices, as seen on page 23 of eWatch) to identify trends in the pattern of behavior in pre-determined markets as well as the roles of individual participants in electronic discussion forums. However, eWatch does not expressly teach that a time series is analyzed to identify roles of individual participants *over time*. Trigaux, on the other, discloses how user postings are tracked over time. More specifically, Trigaux discloses examples of lawsuits filed against online users posting multiple comments that are critical of a business and/or employer (¶¶ 19, 25, 33). The fact that multiple comments have been gathered in relation to a given pseudonym (or user) implies that the comments are collected over time or that each comment was posted at a distinct time since the user did not likely write various comments and then somehow program them to be posted at the same instant in time. The claimed limitation "over time" is interpreted as referring to a trend or pattern gleaned in relation to a particular user, be it a trend or pattern observed from messages posted a minute apart or months apart. All of eWatch, CyberSleuth, and Trigaux disclose scenarios in which businesses are trying to counteract negative publicity (including legally defamatory statements) generated by electronic message posters; therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify eWatch to analyze time series to identify roles of individual participants over time in

order to assist eWatch in detecting which users are historically posting defamatory messages about eWatch's clients and then providing these clients with more evidence as ammunition for winning any relevant cases taken to court against these users.

eWatch discloses a method for processing message traffic in a plurality of electronic discussion forums, comprising the steps of:

[Claim 40] collecting messages from the plurality of electronic discussion forums (Pages 37, 40);

processing the messages based on a series of topics (Pages 9, 23, 38);

storing configuration information for the plurality of electronic discussion forums in a database, and wherein the step of collecting messages comprises collecting messages corresponding to a plurality of message formats or communications protocols (Pages 2, 37, 40 -- Messages may be downloaded to eWatch's server from various Internet Usenet groups, ListServs, and consumer online services, such as CompuServe, America Online, Prodigy, and Microsoft Network, thereby implying that eWatch's server can handle a plurality of message formats or communications protocols; In order to download information via the Internet, the information that is downloaded is associated with identifying information that instructs the network, including sending and receiving client computers, how to transmit the data (e.g., the type of protocols, including packet-switching, streaming video, audio, etc.) and what format the information is in (e.g., PDF, HTML, etc.). This protocol and format information must be associated with the downloaded data; therefore, such information is

stored somewhere (i.e., in a database) in a manner that it is linked to the data when download of the data is requested);

[Claim 81] wherein the roles of individual participants are classified by correlating their postings with objective data relating to events external to the electronic discussion forum (Page 23 -- "eWatch is being called more often by corporate investor relations departments who want to know if and how Internet discussions are affecting their stock prices).

As per claim 40, the eWatch service does not expressly teach tracking a plurality of pseudonyms and the roles of individual participants using the pseudonyms posting in the plurality of electronic discussion forums based on the processing of the messages; however, CyberSleuth is a related service offered by the same company, eWatch Inc. Similar to the eWatch service, the CyberSleuth service assists in addressing publicly disclosed negative opinions towards an entity. CyberSleuth, however, attempts "to identify the entity or entities behind the screen name(s) which have targeted your organization," which is especially important when the motives of such entities are fraudulent, deceptive, and/or criminal (¶ 6). CyberSleuth helps to mitigate such attacks by identifying the entity behind a pseudonym so that proper recourse can be taken, e.g., public rumor control or legal action. Since both eWatch and CyberSleuth function under the control of eWatch Inc. and both services assist clients in identifying negative attacks in order to mitigate the effect of such attacks, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to

actively integrate the CyberSleuth service with the capabilities of the eWatch service (e.g., as a complete package), thereby incorporating the step of tracking a plurality of pseudonyms and the roles of individual participants using the pseudonyms posting in the plurality of electronic discussion forums based on the processing of the messages, in order to conveniently provide clients with a more comprehensive service for identifying the sources of negative attacks and taking appropriate actions against those sources who may harbor more fraudulent, deceptive, and/or criminal intent.

In reference to claim 40, citing Merriam Webster's Collegiate® Dictionary (10th ed.), "trend" is a very broad term, meaning "a prevailing tendency or inclination," "a line of development," or "a general movement." eWatch's clients are monitoring electronic discussion forums for both positive and negative "buzz." If negative buzz is initially detected in reference to a particular company, it is a potential indicator of a trend of negative attitude toward the company. This is why companies attempt to nip negative buzz in the bud by performing proactive rumor control. Page 43 of eWatch states, "'So you start to see from a marketing standpoint and customer service standpoint how the Internet really does marry those two functions, because you've got folks who are unhappy, and if they're unhappy, they're going to deter other people from buying your product,' Mr. Alexander said. 'On the flip side, you're got people who are evangelizing products. It works both ways.'" By detecting positive and negative buzz about a company, the company is either alerted to a potentially positive trend (e.g., recommending the company to others) or to a potentially negative trend (e.g., complaining about the company to others). Therefore, eWatch addresses the claimed

analysis of message information and objective data (such as stock prices, as seen on page 23 of eWatch) to identify trends in the pattern of behavior in pre-determined markets as well as the roles of individual participants in electronic discussion forums. However, eWatch does not expressly teach that a time series is analyzed to identify roles of individual participants *over time*. Trigaux, on the other, discloses how user postings are tracked over time. More specifically, Trigaux discloses examples of lawsuits filed against online users posting multiple comments that are critical of a business and/or employer (¶¶ 19, 25, 33). The fact that multiple comments have been gathered in relation to a given pseudonym (or user) implies that the comments are collected over time or that each comment was posted at a distinct time since the user did not likely write various comments and then somehow program them to be posted at the same instant in time. The claimed limitation "over time" is interpreted as referring to a trend or pattern gleaned in relation to a particular user, be it a trend or pattern observed from messages posted a minute apart or months apart. All of eWatch, CyberSleuth, and Trigaux disclose scenarios in which businesses are trying to counteract negative publicity (including legally defamatory statements) generated by electronic message posters; therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify eWatch to analyze time series to identify roles of individual participants over time in order to assist eWatch in detecting which users are historically posting defamatory messages about eWatch's clients and then providing these clients with more evidence as ammunition for winning any relevant cases taken to court against these users.

8. Claims 13, 14, 49, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over eWatch Inc.'s eWatch service ("eWatch"), as disclosed in eWatch's archived web site retrieved from [URL: http://web.archive.org/web/19980522190526/www.ewatch.com] *in view of* eWatch Inc.'s CyberSleuth service ("CyberSleuth"), as disclosed in the web site [URL: http://www.interesting-people.org/archives/interesting-people/200006/msg00090.html], dated June 29, 2000, *further in view of* Trigaux ("Cyberwar Erupts Over Free Speech Across Florida, Nation"), and *further in view of* Rosenschein et al. (U.S. Patent No. 6,519,631).

(The various pages of the eWatch web site were archived by web.archive.org on May 22, 1998 and they include press releases dating back to 1995.)

eWatch discloses a system for processing message traffic in a plurality of electronic discussion forums, comprising:

[Claim 13] a computer-implemented message collector for collecting messages from the plurality of electronic discussion forums (Pages 37, 40);

a computer-implemented message processor for processing the messages according to a series of topics, wherein the message processor processes a message to compute a relevance of the message to at least one topic from the series of topics (Pages 9, 23, 38);

a storage device for storing the messages (Pages 39, 40); wherein

the message processor processes the messages to compute an opinion for the message based on a plurality of pre-determined linguistic patterns and associative rules according to at least one topic (Page 23 -- eWatch helps to identify both positive and negative opinions toward an entity. For example, "eWatch's proprietary search software does the first round of filtering, churning out reports based on keywords -- perhaps a client's name combined with 'boycott,' 'angry,' or even cruder denigrating terms." Such a search would clearly identify negative opinion ratings toward the client based on a variety of linguistic patterns, i.e., the "client's name combined with 'boycott,' 'angry,' or even cruder denigrating terms." Page 28 of eWatch states that good comments may be tracked as well as the negative ones);

[Claim 14] wherein the opinion is computed based on a textual analysis of the message (Page 23 -- eWatch helps to identify both positive and negative opinions toward an entity. For example, "eWatch's proprietary search software does the first round of filtering, churning out reports based on keywords -- perhaps a client's name combined with 'boycott,' 'angry,' or even cruder denigrating terms." Such a search would clearly identify negative opinions toward the client based on a textual analysis of the message, i.e., the "client's name combined with 'boycott,' 'angry,' or even cruder denigrating terms." Page 28 of eWatch states that good comments may be tracked as well as the negative ones).

As per claim 13, the eWatch service does not expressly teach a data analyzer for tracking a plurality of pseudonyms posting in the plurality of electronic discussion

forums based on the processing of the messages; however, CyberSleuth is a related service offered by the same company, eWatch Inc. Similar to the eWatch service, the CyberSleuth service assists in addressing publicly disclosed negative opinions towards an entity. CyberSleuth, however, attempts "to identify the entity or entities behind the screen name(s) which have targeted your organization," which is especially important when the motives of such entities are fraudulent, deceptive, and/or criminal (¶ 6). CyberSleuth helps to mitigate such attacks by identifying the entity behind a pseudonym so that proper recourse can be taken, e.g., public rumor control or legal action. Since both eWatch and CyberSleuth function under the control of eWatch Inc. and both services assist clients in identifying negative attacks in order to mitigate the effect of such attacks, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to actively integrate the CyberSleuth service with the capabilities of the eWatch service (e.g., as a complete package), thereby incorporating a data analyzer for tracking a plurality of pseudonyms posting in the plurality of electronic discussion forums based on the processing of the messages, in order to conveniently provide clients with a more comprehensive service for identifying the sources of negative attacks and taking appropriate actions against those sources who may harbor more fraudulent, deceptive, and/or criminal intent.

In reference to claim 13, citing Merriam Webster's Collegiate® Dictionary (10th ed.), "trend" is a very broad term, meaning "a prevailing tendency or inclination," "a line of development," or "a general movement." eWatch's clients are monitoring electronic discussion forums for both positive and negative "buzz." If negative buzz is initially

detected in reference to a particular company, it is a potential indicator of a trend of negative attitude toward the company. This is why companies attempt to nip negative buzz in the bud by performing proactive rumor control. Page 43 of eWatch states, "'So you start to see from a marketing standpoint and customer service standpoint how the Internet really does marry those two functions, because you've got folks who are unhappy, and if they're unhappy, they're going to deter other people from buying your product,' Mr. Alexander said. 'On the flip side, you're got people who are evangelizing products. It works both ways.'" By detecting positive and negative buzz about a company, the company is either alerted to a potentially positive trend (e.g., recommending the company to others) or to a potentially negative trend (e.g., complaining about the company to others). Therefore, eWatch addresses the claimed analysis of message information and objective data (such as stock prices, as seen on page 23 of eWatch) to identify trends in the pattern of behavior in pre-determined markets as well as the roles of individual participants in electronic discussion forums. However, eWatch does not expressly teach that a time series is analyzed to identify roles of individual participants *over time*. Trigaux, on the other, discloses how user postings are tracked over time. More specifically, Trigaux discloses examples of lawsuits filed against online users posting multiple comments that are critical of a business and/or employer (¶¶ 19, 25, 33). The fact that multiple comments have been gathered in relation to a given pseudonym (or user) implies that the comments are collected over time or that each comment was posted at a distinct time since the user did not likely write various comments and then somehow program them to be posted at

the same instant in time. The claimed limitation "over time" is interpreted as referring to a trend or pattern gleaned in relation to a particular user, be it a trend or pattern observed from messages posted a minute apart or months apart. All of eWatch, CyberSleuth, and Trigaux disclose scenarios in which businesses are trying to counteract negative publicity (including legally defamatory statements) generated by electronic message posters; therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify eWatch to analyze time series to identify roles of individual participants over time in order to assist eWatch in detecting which users are historically posting defamatory messages about eWatch's clients and then providing these clients with more evidence as ammunition for winning any relevant cases taken to court against these users.

Regarding claim 13, the Examiner asserts that the assumption that the word "boycott" or "angry" in combination with a particular company name implies a negative opinion toward that company (as taught by eWatch) is an example of linguistic association among words. The fact that the eWatch software is programmed to make such an assumption is indicative of the existence of some set of rules to guide this sort of decision-making. All software is based on a set or various sets of programmed rules. Furthermore, Merriam Webster's Collegiate® Dictionary (10th ed.) defines a "pattern" as simply as being "a form or model proposed for imitation" and "a reliable sample of traits, acts, tendencies, or other observable characteristics of a person, group or institution." Again, the assumption that the word "boycott" or "angry" in combination with a particular company name implies a negative opinion toward that company (as taught by eWatch)

is an example of linguistic association among words, in which patterns (e.g., models, traits, or tendencies) are identified. Therefore, the Examiner submits that eWatch addresses the recited "linguistic patterns and associative rules." What eWatch does not expressly teach is which specific type of linguistic analysis is used. However, Rosenschein makes up for this deficiency in the teaching of a web-based information retrieval system (similar to eWatch). Rosenschein utilizes sentence-level linguistic analysis in regard to specific keywords because such an analysis serves "to enable a grammatical and/or linguistic analysis of the designated work, and, preferably to sharply define the context of the designated word. For example, 'stock' next to 'broker' is highly likely to have a different meaning from 'stock' next to 'barrel.'" (Rosenschein: col. 3, lines 8-17) In other words, using a sentence-level analysis helps to more accurately identify keywords in a desired context, especially when the context of a keyword can vary widely. Both eWatch and Rosenschein operate largely on the ability to identify content of interest based on context specific keywords; therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify eWatch's linguistic analysis to incorporate a sentence-level analysis in order to assist in more accurately identifying keywords in a desired context, especially when the context of a keyword can vary widely (as suggested by Rosenschein).

eWatch discloses a method for processing message traffic in a plurality of electronic discussion forums, comprising the computer-implemented steps of:

[Claim 49] collecting messages from the plurality of electronic discussion forums (Pages 37, 40);

processing the messages according to a series of topics and computing a relevance of the messages to at least one topic from the series of topics (Pages 9, 23, 38); wherein

the processing step further comprises the computer-implemented step of computing an opinion for the message based on a plurality of predetermined linguistic patterns and associative rules according to the at least one topic (Page 23 -- eWatch helps to identify both positive and negative opinions toward an entity. For example, "eWatch's proprietary search software does the first round of filtering, churning out reports based on keywords -- perhaps a client's name combined with 'boycott,' 'angry,' or even cruder denigrating terms." Such a search would clearly identify negative opinion ratings toward the client based on a variety of linguistic patterns, i.e., the "client's name combined with 'boycott,' 'angry,' or even cruder denigrating terms." Page 28 of eWatch states that good comments may be tracked as well as the negative ones);

[Claim 50] wherein the step of computing an opinion comprises the step of performing a textual analysis of the message (Page 23 -- eWatch helps to identify both positive and negative opinions toward an entity. For example, "eWatch's proprietary search software does the first round of filtering, churning out reports based on keywords -- perhaps a client's name combined with 'boycott,' 'angry,' or even cruder denigrating terms." Such a search would clearly identify negative opinions toward the client based on a textual analysis of the message, i.e., the "client's name combined with 'boycott,'

'angry,' or even cruder denigrating terms." Page 28 of eWatch states that good comments may be tracked as well as the negative ones).

As per claim 49, the eWatch service does not expressly teach tracking a plurality of pseudonyms posting in the plurality of electronic discussion forums based on the processing of the messages; however, CyberSleuth is a related service offered by the same company, eWatch Inc. Similar to the eWatch service, the CyberSleuth service assists in addressing publicly disclosed negative opinions towards an entity. CyberSleuth, however, attempts "to identify the entity or entities behind the screen name(s) which have targeted your organization," which is especially important when the motives of such entities are fraudulent, deceptive, and/or criminal (¶ 6). CyberSleuth helps to mitigate such attacks by identifying the entity behind a pseudonym so that proper recourse can be taken, e.g., public rumor control or legal action. Since both eWatch and CyberSleuth function under the control of eWatch Inc. and both services assist clients in identifying negative attacks in order to mitigate the effect of such attacks, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to actively integrate the CyberSleuth service with the capabilities of the eWatch service (e.g., as a complete package), thereby incorporating the step of tracking a plurality of pseudonyms posting in the plurality of electronic discussion forums based on the processing of the messages, in order to conveniently provide clients with a more comprehensive service for identifying the

sources of negative attacks and taking appropriate actions against those sources who may harbor more fraudulent, deceptive, and/or criminal intent.

In reference to claim 49, citing Merriam Webster's Collegiate® Dictionary (10th ed.), "trend" is a very broad term, meaning "a prevailing tendency or inclination," "a line of development," or "a general movement." eWatch's clients are monitoring electronic discussion forums for both positive and negative "buzz." If negative buzz is initially detected in reference to a particular company, it is a potential indicator of a trend of negative attitude toward the company. This is why companies attempt to nip negative buzz in the bud by performing proactive rumor control. Page 43 of eWatch states, "'So you start to see from a marketing standpoint and customer service standpoint how the Internet really does marry those two functions, because you've got folks who are unhappy, and if they're unhappy, they're going to deter other people from buying your product,' Mr. Alexander said. 'On the flip side, you're got people who are evangelizing products. It works both ways.'" By detecting positive and negative buzz about a company, the company is either alerted to a potentially positive trend (e.g., recommending the company to others) or to a potentially negative trend (e.g., complaining about the company to others). Therefore, eWatch addresses the claimed analysis of message information and objective data (such as stock prices, as seen on page 23 of eWatch) to identify trends in the pattern of behavior in pre-determined markets as well as the roles of individual participants in electronic discussion forums. However, eWatch does not expressly teach that a time series is analyzed to identify roles of individual participants *over time*. Trigaux, on the other, discloses how user

postings are tracked over time. More specifically, Trigaux discloses examples of lawsuits filed against online users posting multiple comments that are critical of a business and/or employer (¶¶ 19, 25, 33). The fact that multiple comments have been gathered in relation to a given pseudonym (or user) implies that the comments are collected over time or that each comment was posted at a distinct time since the user did not likely write various comments and then somehow program them to be posted at the same instant in time. The claimed limitation "over time" is interpreted as referring to a trend or pattern gleaned in relation to a particular user, be it a trend or pattern observed from messages posted a minute apart or months apart. All of eWatch, CyberSleuth, and Trigaux disclose scenarios in which businesses are trying to counteract negative publicity (including legally defamatory statements) generated by electronic message posters; therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify eWatch to analyze time series to identify roles of individual participants over time in order to assist eWatch in detecting which users are historically posting defamatory messages about eWatch's clients and then providing these clients with more evidence as ammunition for winning any relevant cases taken to court against these users.

Regarding claim 49, the Examiner asserts that the assumption that the word "boycott" or "angry" in combination with a particular company name implies a negative opinion toward that company (as taught by eWatch) is an example of linguistic association among words. The fact that the eWatch software is programmed to make such an assumption is indicative of the existence of some set of rules to guide this sort

of decision-making. All software is based on a set or various sets of programmed rules. Furthermore, Merriam Webster's Collegiate® Dictionary (10th ed.) defines a "pattern" as simply as being "a form or model proposed for imitation" and "a reliable sample of traits, acts, tendencies, or other observable characteristics of a person, group or institution." Again, the assumption that the word "boycott" or "angry" in combination with a particular company name implies a negative opinion toward that company (as taught by eWatch) is an example of linguistic association among words, in which patterns (e.g., models, traits, or tendencies) are identified. Therefore, the Examiner submits that eWatch addresses the recited "linguistic patterns and associative rules." What eWatch does not expressly teach is which specific type of linguistic analysis is used. However, Rosenschein makes up for this deficiency in the teaching of a web-based information retrieval system (similar to eWatch). Rosenschein utilizes sentence-level linguistic analysis in regard to specific keywords because such an analysis serves "to enable a grammatical and/or linguistic analysis of the designated work, and, preferably to sharply define the context of the designated word. For example, 'stock' next to 'broker' is highly likely to have a different meaning from 'stock' next to 'barrel.'" (Rosenschein: col. 3, lines 8-17) In other words, using a sentence-level analysis helps to more accurately identify keywords in a desired context, especially when the context of a keyword can vary widely. Both eWatch and Rosenschein operate largely on the ability to identify content of interest based on context specific keywords; therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify eWatch's linguistic analysis to incorporate a sentence-

level analysis in order to assist in more accurately identifying keywords in a desired context, especially when the context of a keyword can vary widely (as suggested by Rosenschein).

9. Claims 5, 41, 75, and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over eWatch Inc.'s eWatch service ("eWatch"), as disclosed in eWatch's archived web site retrieved from [URL: http://web.archive.org/web/19980522190526/www.ewatch.com] *in view of* eWatch Inc.'s CyberSleuth service ("CyberSleuth"), as disclosed in the web site [URL: http://www.interesting-people.org/archives/interesting-people/200006/msg00090.html], dated June 29, 2000, *further in view of* Trigaux ("Cyberwar Erupts Over Free Speech Across Florida, Nation"), as applied to claims 4 and 40 above, and *further in view of* Cohen (U.S. Patent No. 6,067,539).

(The various pages of the eWatch web site were archived by web.archive.org on May 22, 1998 and they include press releases dating back to 1995.)

[Claims 5, 41, 75, 77] Neither the eWatch service nor the CyberSleuth service expressly teaches the use of a relevance score *per se* as part of the determination of relevance of a message; however, Cohen makes up for this deficiency in his teaching of a system and method for identifying the most relevant sources for a particular topic. Similar to eWatch, Cohen's invention downloads messages (e.g., from web sites or news groups) and performs linguistics analysis to correlate certain keywords and

synonyms thereof to a topic of interest; a score representative of the level of correlation is then generated (col. 2, lines 8-28, 45-47; col. 3, lines 1-45; col. 4, lines 5-14, 47-50; col. 6, line 67 through col. 7, line 12). Based on frequency statistics, a neural network, pattern recognition, an image processing, thesaurus, or another linguistics-based algorithm, a matching score is generated and evaluated to identify those messages deemed to be most relevant to the topic of interest (col. 8, lines 1-48; col. 9, lines 15-31). These algorithms inherently utilize predetermined rules; therefore, when used to generate a matching score to identify messages deemed to be most relevant to a topic of interest, it is understood that the relevance score is computed based on a set of predetermined rules for each topic, wherein the predetermined rules for each topic comprise a set of conditions defining information relevant to the topic. Cohen's invention is established as addressing a need for ranking information on a topic of interest, "thereby increasing the efficiency of information search and retrieval" (col. 1, lines 59-67). Since eWatch and Cohen are both directed toward identifying the most relevant messages (filtered from an incredibly large body of information) to a topic of interest, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to adapt eWatch's computer-implemented message categorizer to compute at least one relevance score for a message, the relevance score providing a measure of the relevance of the message to at least one topic from the series of topics and computed based on a set of predetermined rules for each topic, wherein the predetermined rules for each topic comprise a set of conditions defining information relevant to the topic (as taught by Cohen), in order to increase the

efficiency of eWatch's information search and retrieval system (as suggested in col. 1, lines 59-67 of Cohen).

10. Claims 76 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over eWatch Inc.'s eWatch service ("eWatch"), as disclosed in eWatch's archived web site retrieved from [URL: http://web.archive.org/web/19980522190526/www.ewatch.com] *in view of* eWatch Inc.'s CyberSleuth service ("CyberSleuth"), as disclosed in the web site [URL: http://www.interesting-people.org/archives/interesting-people/200006/msg00090.html], dated June 29, 2000, *further in view of* Trigaux ("Cyberwar Erupts Over Free Speech Across Florida, Nation"), *further in view of* Rosenschein et al. (U.S. Patent No. 6,519,631), as applied to claims 13 and 49 above, and *further in view of* Cohen (U.S. Patent No. 6,067,539).

(The various pages of the eWatch web site were archived by web.archive.org on May 22, 1998 and they include press releases dating back to 1995.)

[Claims 76, 78] The limitations "wherein a relevance score is computed based on a set of predetermined rules for each topic; and wherein the predetermined rules for each topic comprise a set of conditions defining information relevant to the topic" were addressed in the rejection of claim 75; therefore, the same rejection applies.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 10 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susanna Diaz

Susanna M. Diaz
Primary Examiner
Art Unit 3623

May 5, 2006